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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,160

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EXAMINER

VIRANY, LESLIE R

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,160	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> LESLIE VIRANY	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

The amendment filed on 02/10/2009 under 37 CFR 1.131 is sufficient to overcome the rejections, on the basis of 35 USC § 101, of claims 14 & 15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 12 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto (US 20040179122) in view of Endo (US 20020039203)

Regarding claim 1, Morimoto teaches a picture display controlling apparatus [Fig. 3, overall control unit 50] comprising: data holding means for holding a plurality of picture data items; [Fig. 3, memory card 90] from any of picture groups obtained by sorting said picture data items; [Fig. 7, step ST30, note also in Fig. 4 that provision is made for up to 10,000 albums]

Morimoto further teaches operation inputting means for accepting an Operation input for designating any of said picture groups or any of the picture data items in the designated picture group; [Fig. 2, element 8] and display controlling means for exercising control such as to display the designated picture group or the designated picture data item in said designated picture group. [Fig. 2, elements 7a-7d]

Morimoto further teaches wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, [0109 note image displayed in each picture group is image most recently registered in that group] while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.

Morimoto does not explicitly teach a resume pointer means, or that pointers are used to permit continued folder-specific picture-taking, as claimed.

However, Endo teaches resume pointer holding means for holding as a picture resume pointer the location of the picture data item most recently displayed [FIGS. 3A and 3B subordinate file pointer 613]

Endo further teaches picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired; [FIG. 6A camera 100 includes scope-of-group setting means 71 which sets a scope of group based on the image picking-up position data obtained from the image file 620 picking-up position determining means 72 which selects a representative image picking-up position for the group]

Endo further teaches that, of the designated picture items or groups displayed by the display controlling means, each picture group is displayed using at least the location information used in sorting said picture items. [FIG. 2 site name file area 63 for storing a site name file 630 which stores place names]

It would have been obvious to one having ordinary skill in the art at the time of invention to have included the location information sorting of Endo in the picture display controlling apparatus of Morimoto in order to allow grouping and displaying by a versatile, universal sorting criterion such as location, as explicitly taught by Endo.

Regarding claim 12, claim 12 is directed towards method steps which correspond to the means of the device disclosed in claim 1, and is likewise rejected.

Regarding claim 14, claim 14 is directed towards a computer program which corresponds to the means of the device disclosed in claim 1, and is likewise rejected.

Art Unit: 2622

2. Claims 5, 10, 11, 13 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Endo and further in view of Stavely (US 20030086012)

Regarding claims 5, 10 & 11 are directed to the limitations of the amended claim 1 wherein such limitations are applied to picture group arrays rather than picture groups.(i.e. 'picture group resume pointer instead of resume pointer and picture group resume pointer holding means) and picture group display elements.

In the case of claim 5, an additional picture group resume pointer holding element is provided.

In the case of claim 10, additional picture group display element is provided.

In the case of claim 11, both additional elements are provided.

Morimoto in view of Endo teaches the limitations of claim 1 as discussed above including resume pointer means as taught by Endo and picture grouping as taught by Morimoto

but fails to disclose that the disclosed actions may be applied to picture group arrays. However, Stavely teaches [Fig. 3a, Fig. 4] browsing and editing of an array of picture groups.

It would have been obvious to one having ordinary skill in the art at the time of invention to have included the picture array grouping of Stavely in the picture display controlling apparatus of Morimoto in view of Endo in order to provide the folder-based nested image file structure including, as explicitly taught by Stavely.

Regarding claim 13, claim 13 is directed towards method steps which correspond to the means of the device disclosed in claim 5, and is likewise rejected.

Regarding claim 15, claim 15 is directed towards a computer program which correspond to the means of the device disclosed in claim 5, and is likewise rejected.

3. Claims 2-4 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Endo and further in view of Parulski (US 20040201752).

Regarding claim 2, Morimoto in view of Endo teaches a picture display controlling apparatus according to claim 1, but does not explicitly disclose operation inputting means with item-by-item picture data switching as claimed.

However, Parulski teaches wherein said operation inputting means comprises picture data switching operation inputting means for accepting an operation input for switching said picture data items on an item by item basis; and [Fig. 4, joystick controller 360 ] wherein, if said operation input accepted by said picture data switching operation inputting means designates transition beyond the picture data item at one end of a picture data item array constituting a given picture group, then said display controlling means displays anew the picture data item at the other end of the array forming the picture group in question. [0078, lines 7 – 10, note automatic cycling]

Regarding claim 3, Morimoto in view of Endo teaches the limitations as discussed above in connection with claim 1, including resume pointer means as taught by Endo and picture grouping as taught by Morimoto. Parulski further teaches wherein said operation inputting means comprises picture data switching operation inputting

Art Unit: 2622

means for accepting an operation input for switching said picture data items on an item by item basis; [Fig. 4, joystick controller 360] and wherein, if said operation input accepted by said picture data switching operation inputting means designates transition from the picture data item at one end of a picture data item array in said first picture group to said second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while displaying anew the picture data item at one end of a picture data item array constituting said second picture group. [0078, lines 7 - 10]

Regarding claim 4, Parulski further teaches wherein said picture groups are sorted by picture-taking information about said picture data items. [Fig. 3A, element 114]

It would have been obvious to one having ordinary skill in the art to have included the operation inputting means with item-by-item picture data switching of Parulski in the image sensor of Morimoto in view of Endo in order to enable user-friendly management of a large number of images, grouped by theme and permitting unscheduled additions, as explicitly taught by Parulski, in the sensor correction processor of Morimoto in view of Endo.

Regarding claim 17, claim 17 is directed towards the limitations of claim 2 and claim 4 in which grouping is according to time information. The combination of Morimoto in view of Endo and further in view of Parulski teaches the limitations of both claims but does not explicitly teach that groups are formed according to time information as



Art Unit: 2622

claimed. However, examiner takes official notice that it is well known in the art to groups are formed according to time information, such as in a PC file structure of photographs taken or an email client program.

It would have been obvious to one having ordinary skill in the art to have included picture group formation in the image sensor of Morimoto in view of Endo and Parulski in order to enable the benefits of chronographic organization, as is known in the art.

4. Claims 6-9, 16 & 18-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Endo and Stavely and further in view of Parulski.

Regarding claim 6, Morimoto in view of Endo and Stavely teaches a picture display controlling apparatus according to claim 5, but does not explicitly disclose operation inputting means with item-by-item picture data switching as claimed.

However, Parulski teaches wherein said operation inputting means comprises picture data switching operation inputting means for accepting an operation input for switching said picture data items on an item by item basis; and [Fig. 4, joystick controller 360 ] wherein, if said operation input accepted by said picture data switching operation inputting means designates transition beyond the picture data item at one end of a picture data item array constituting a given picture group, then said display controlling means displays anew the picture data item at the other end of the array forming the picture group in question. [0078, lines 7 – 10, note automatic cycling]

Regarding claims 7 & 8, Morimoto in view of Endo and Stavely teaches the limitations as discussed above in connection with claim 5, including resume pointer

Art Unit: 2622

means as taught by Endo and picture grouping as taught by Morimoto. Parulski further teaches wherein said operation inputting means comprises picture data switching operation inputting means for accepting an operation input for switching said picture data items on an item by item basis; [Fig. 4, joystick controller 360] and wherein, if said operation input accepted by said picture data switching operation inputting means designates transition from the picture data item at one end of a picture data item array in said first picture group to said second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while displaying anew the picture data item at one end of a picture data item array constituting said second picture group. [0078, lines 7 - 10]

Regarding claim 9, Parulski further teaches wherein said picture groups are sorted by picture-taking information about said picture data items. [Fig. 3A, element 114]

It would have been obvious to one having ordinary skill in the art to have included the operation inputting means with item-by-item picture data switching of Parulski in the image sensor of Morimoto in view of Endo and Stavely in order to enable user-friendly management of a large number of images, grouped by theme and permitting unscheduled additions, as explicitly taught by Parulski, in the sensor correction processor of Morimoto in view of Endo and Stavely.

Regarding claim 16, Morimoto in view of Endo teach the limitations as discussed above in connection with claim 1, but do not disclose all of the claimed subject matter of claim 16. However, Stavely teaches wherein a plurality of picture groups are displayed so as to arrange picture groups which have the same location information on one direction. [FIG. 3A Note group of images 310 is arranged along one direction], and Parulski teaches wherein said operation inputting means comprises picture data switching operation inputting means for accepting an operation input for switching said picture data items on an item by item basis; and [Fig. 4, joystick controller 360 ]

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have included the directional picture grouping of Stavely and the operation inputting means as taught by Parulski in the picture display controlling apparatus of Morimoto in view of Endo in order to provide structure for keeping track of groups as explicitly taught by Stavely and to enable user-friendly management of a large number of images, grouped by theme and permitting unscheduled addition as explicitly taught by Parulski.

Regarding claim 18, claim 18 is directed towards the limitations of claim 5, met as discussed above by the combination of Morimoto, Endo and Parulski, and claim 16, met as discussed above by the combination of Morimoto, Endo, Stavely and Parulski.

Regarding claim 19, the limitations of claim 19 are directed towards the limitations of claim 5 and claim 17 and are met as discussed above by the combination of Morimoto, Endo, Stavely and Parulski

It would have been obvious to one having ordinary skill in the art at the time of invention to have included the directional picture grouping of Parulski in the picture display controlling apparatus of Morimoto in view of Endo and Stavely in order to provide item-by-item picture data switching as explicitly taught by Parulski.

Regarding claim 20, the limitations of claim 20 are directed towards the limitations of claim 10 and claim 16 and are therefore met as discussed above by Morimoto in view of Endo and Stavely and further in view of Parulski.

Regarding claim 21, the limitations of claim 21 are directed towards the limitations of claim 10 and claim 17 and are therefore met as discussed above by Morimoto in view of Endo and Stavely and further in view of Parulski.

Regarding claim 22, the limitations of claim 22 are directed towards the limitations of claim 11 and claim 16 and are therefore met as discussed above by Morimoto in view of Endo and Stavely and further in view of Parulski.

Regarding claim 23, the limitations of claim 23 are directed towards the limitations of claim 11 and claim 17 and are therefore met as discussed above by Morimoto in view of Endo and Stavely and further in view of Parulski.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2622

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE VIRANY whose telephone number is (571)270-5893. The examiner can normally be reached on M-Th 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LV

/Jason Chan/

Supervisory Patent Examiner, Art Unit 2622